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|                    |                        |                       |                        |
|--------------------|------------------------|-----------------------|------------------------|
| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
| 10/816,514         | 03/31/2004             | John R. Gilbert       | TGZ-030                |

CONFIRMATION NO. 9911

## FORMALITIES LETTER



\*OC000000012931960\*

00959

LAHIVE & COCKFIELD, LLP.  
 28 STATE STREET  
 BOSTON, MA 02109

Date Mailed: 06/14/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 11B, 17A, 19B, 23A, B.
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 8, 15B.

The following item(s) appear to have been **omitted** from the application:

08/10/2004 MAHME1 00000095 120080 10816514

01 FC:2051 65.00 DA

|   |
|---|
| RECEIVED<br>LAHIVE & COCKFIELD<br>DOCKET DEPT.<br><br>JUN 16 2004<br><br>RETRIEVED: _____<br>FORWARDED: _____ |
|---|

- Figure(s) **17D** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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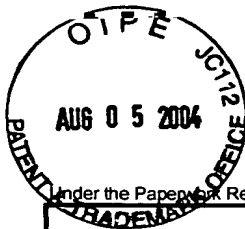
*A copy of this notice **MUST** be returned with the reply.*

*Tsegerchu*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

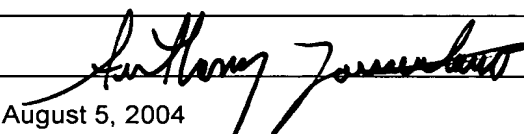
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|   |                        |                        |
|---|------------------------|------------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/816,514-Conf. #9911 |
|   | Filing Date            | March 31, 2004         |
|   | First Named Inventor   | John R. GILBERT        |
|   | Art Unit               | 1753                   |
|   | Examiner Name          | Not Yet Assigned       |
| Total Number of Pages in This Submission  | Attorney Docket Number | TGZ-030                |

**ENCLOSURES (Check all that apply)**

|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication<br>to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of<br>Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>Identify below):<br>Part 2 Copy of Notice<br>Executed Declaration and Power of Attorney<br>Preliminary Amendment<br>Submission of Formal Drawings<br>Return Receipt Postcard |
| Remarks  |   |   |

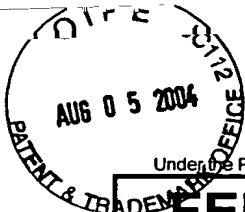
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                               |   |
|-------------------------------|---|
| Firm<br>or<br>Individual name | LAHIVE & COCKFIELD, LLP<br>Anthony A. Laurentano - 38,220                           |
| Signature                     |  |
| Date                          | August 5, 2004  |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 981581356 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 5, 2004

Signature:  (Anthony A. Laurentano)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |  |                          |                        |
|--|--|--------------------------|------------------------|
| <b>FEE TRANSMITTAL</b><br><b>for FY 2004</b><br><small>Effective 10/01/2003. Patent fees are subject to annual revision.</small> |  | <b>Complete if Known</b> |                        |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27  |  | Application Number       | 10/816,514-Conf. #9911 |
| TOTAL AMOUNT OF PAYMENT (\$)   |  | Filing Date              | March 31, 2004         |
| 65.00  |  | First Named Inventor     | John R. GILBERT        |
|  |  | Examiner Name            | Not Yet Assigned       |
|  |  | Art Unit                 | 1753                   |
|  |  | Attorney Docket No.      | TGZ-030                |

| <b>METHOD OF PAYMENT (check all that apply)</b>   |              | <b>FEE CALCULATION (continued)</b>                         |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
|---|--------------|--|--------------|-----------------|----------|----------|----------|--|--|----------|----------|------------------------|--|----------|----------|-----------------------------------|--|----------|----------|---------------------------------------|--|----------|----------|--|--|----------|---------|--|--|-------------------|--|--|------|--|--|
| <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None   |              | <b>3. ADDITIONAL FEES</b>                                  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| <input checked="" type="checkbox"/> Deposit Account:<br>Deposit Account Number: 12-0080<br>Deposit Account Name: Lahive & Cockfield, LLP  |              |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| The Director is authorized to: (check all that apply)   |              |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments   |              |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)  |              |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.  |              |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| <b>FEE CALCULATION</b>  |              |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| <b>1. BASIC FILING FEE</b>  |              |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| <table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th><th>Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee Code</th><th></th><th></th></tr></thead><tbody><tr><td>1001 770</td><td>2001 385</td><td>Utility filing fee</td><td></td></tr><tr><td>1002 340</td><td>2002 170</td><td>Design filing fee</td><td></td></tr><tr><td>1003 530</td><td>2003 265</td><td>Plant filing fee</td><td></td></tr><tr><td>1004 770</td><td>2004 385</td><td>Reissue filing fee</td><td></td></tr><tr><td>1005 160</td><td>2005 80</td><td>Provisional filing fee</td><td></td></tr><tr><td colspan="2">SUBTOTAL (1) (\$)</td><td></td><td>0.00</td></tr></tbody></table>   |              | Large Entity   | Small Entity | Fee Description | Fee Paid | Fee Code | Fee Code |  |  | 1001 770 | 2001 385 | Utility filing fee     |  | 1002 340 | 2002 170 | Design filing fee                 |  | 1003 530 | 2003 265 | Plant filing fee                      |  | 1004 770 | 2004 385 | Reissue filing fee                                 |  | 1005 160 | 2005 80 | Provisional filing fee                                     |  | SUBTOTAL (1) (\$) |  |  | 0.00 |  |  |
| Large Entity  | Small Entity | Fee Description  | Fee Paid     |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| Fee Code  | Fee Code     |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1001 770  | 2001 385     | Utility filing fee   |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1002 340  | 2002 170     | Design filing fee  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1003 530  | 2003 265     | Plant filing fee   |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1004 770  | 2004 385     | Reissue filing fee   |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1005 160  | 2005 80      | Provisional filing fee                                     |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| SUBTOTAL (1) (\$)   |              |  | 0.00         |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| <b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>  |              |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
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| Large Entity  | Small Entity | Fee Description  | Fee Paid     |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| Fee Code  | Fee Code     |  |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1202 18   | 2202 9       | Claims in excess of 20                                     |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1201 86   | 2201 43      | Independent claims in excess of 3                          |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1203 290  | 2203 145     | Multiple dependent claim, if not paid                      |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1204 86   | 2204 43      | ** Reissue independent claims over original patent         |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| 1205 18   | 2205 9       | ** Reissue claims in excess of 20 and over original patent |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| SUBTOTAL (2) (\$)   |              |  | 0.00         |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |
| *Reduced by Basic Filing Fee Paid   |              | SUBTOTAL (3) (\$) 65.00                                    |              |                 |          |          |          |  |  |          |          |                        |  |          |          |                                   |  |          |          |                                       |  |          |          |  |  |          |         |  |  |                   |  |  |      |  |  |

|                     |                       |                                   |                |
|---------------------|-----------------------|-----------------------------------|----------------|
| <b>SUBMITTED BY</b> |                       | <b>(Complete (if applicable))</b> |                |
| Name (Print/Type)   | Anthony A. Laurentano | Registration No. (Attorney/Agent) | 38,220         |
| Signature           |                       | Telephone                         | (617) 227-7400 |
|                     |                       | Date                              | August 5, 2004 |


|  |                                     |
|--|-------------------------------------|
| I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 981581356 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below |                                     |
| Dated: August 5, 2004  | Signature:  (Anthony A. Laurentano) |



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Dated: August 5, 2004

Signature:

  
(Anthony A. Laurentano)

Docket No.: TGZ-030  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
John R. Gilbert *et al.*

Application No.: 10/816,514

Confirmation No.: 9911

Filed: March 31, 2004

Art Unit: 1753

For: IMPLEMENTATION OF MICROFLUIDIC  
COMPONENTS, INCLUDING MOLECULAR  
FRACTIONATION DEVICES, IN A  
MICROFLUIDIC SYSTEM

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed June 14, 2004, Applicant respectfully submits a Combined Declaration and Power of Attorney, a Preliminary Amendment addressing the omission of Figure 17D from the application, Submission of Formal Drawings, Formal Drawings (35 figures, 28 pages), and Part 2 Copy of Notice.

Please charge our Deposit Account No. 12-0080 in the amount of \$65.00 covering the fee set forth in 37 CFR 1.16(e). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. TGZ-030.

Dated: August 5, 2004

Respectfully submitted,

By   
Anthony A. Laurentano  
Registration No.: 38,220  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
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For: IMPLEMENTATION OF MICROFLUIDIC  
COMPONENTS, INCLUDING MOLECULAR  
FRACTIONATION DEVICES, IN A  
MICROFLUIDIC SYSTEM

Examiner: Not Yet Assigned

**SUBMISSION OF FORMAL DRAWINGS**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is one set (twenty-eight sheets, thirty-five figures) of formal drawings for filing in the above-identified patent application. Kindly substitute the enclosed formal drawings for the informal drawings submitted with the originally filed application.

Dated: August 5, 2004

Respectfully submitted,

By

Anthony A. Laurentano

Registration No.: 38,220

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant